

## **EXHIBIT D**

## Tyler Whitmer

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**From:** Tyler Whitmer  
**Sent:** Thursday, August 25, 2011 5:17 PM  
**To:** 'HSNovikoff@WLRK.com'  
**Cc:** 'IBoczko@WLRK.com'; 'SCSzcerban@wlrk.com'; 'PVizcarondo@WLRK.com';  
'lawrence.n.chanen@chase.com'; 'MKGrovak@wlrk.com'; Erica Taggart;  
'mmoscato@curtis.com'; 'pbehmke@curtis.com'; 'KWLIn@wlrk.com'  
**Subject:** RE: De-designation of documents and testimony

Hal,

This confirms our conversation this evening that JPMorgan has de-designated the following documents:

- JPM-LBHI02123906
- JPM-LBHI02274978
- JPM-LBHI00007408

And that JPMorgan would not agree to de-designate any of the other exhibits in my email below or my letter of last week.

Thanks,  
Tyler

**Tyler Whitmer**  
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**From:** Tyler Whitmer  
**Sent:** Thursday, August 25, 2011 10:31 AM  
**To:** 'KWLIn@wlrk.com'  
**Cc:** 'IBoczko@WLRK.com'; 'SCSzcerban@wlrk.com'; 'HSNovikoff@WLRK.com'; 'PVizcarondo@WLRK.com';  
'lawrence.n.chanen@chase.com'; 'MKGrovak@wlrk.com'; Erica Taggart; 'mmoscato@curtis.com'; 'pbehmke@curtis.com'  
**Subject:** RE: De-designation of documents and testimony

Karen,

In advance of our call this evening, here is a revised list of exhibits we ask that JPMorgan de-designate. Note that this is a subset of the exhibits disclosed in my letter of last Thursday. Look forward to speaking with you at 7pm Eastern.

- Transcript of the Costango deposition
  - o Pages 39, 46, 52, 75-76, 104, 106, 109, 111-112, 117-118, 151, 205-206, 209-210, 265, and 269.

- Transcript of the Weisbrod deposition
  - o Page 384
- JPM-LBHI02123906
  - o Note that a copy of this document was filed publicly in the LBI SIPA proceeding at Docket No. 387.
- Costango Ex. 3 (JPM-LBHI01660625 and attachment)
- Jeffries Ex. 15 (JPM-LBHI01299866 and attachment)
- Jeffries Ex. 11 (JPM-LBHI01379094 and attachment)
- JPM-LBHI02675867
  - o This exhibit will be excerpted to include only certain rows, and we are willing to consider redacting identifiers of non-JPMorgan counterparties.
- JPM-LBHI102675425 (Tassimo Masterfile)
  - o This exhibit will also be excerpted to include only certain rows of only the "Combined File" tab of the spreadsheet.
- JPM-LBHI00362726 and attachment
  - o The attachment will be excerpted to include only a few rows.
- JPM-LBHI01819253
  - o Note that this is only a single page of a larger document with beginning bates number JPM-LBHI01819213. The exhibit will consist of the single page only.
- Mego Ex. 24 (JPM-LBHI02189743 and attachments)
  - o The exhibit will include only the following pages of the attachments: JPM-LBHI02189744, 9821, 9836.
- Costango Ex. 7 (JPM-LBHI01755189)
- Costango Ex. 12 (JPM-LBHI02079829 – single page)
- Costango Ex. 13 (JPM-LBHI02177253 and attachment)
- JPM-LBHI02274976 and attachments
  - o Note that a copy of all substantive parts of this document was introduced as M.360 in the 60(b) litigation and was used in open court on June 21, 2010.

Thanks,  
Tyler

**Tyler Whitmer**  
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**From:** Tyler Whitmer  
**Sent:** Tuesday, August 23, 2011 5:10 PM  
**To:** 'KWLIn@wlrk.com'  
**Cc:** 'IBoczko@WLRK.com'; 'SCSzcerban@wlrk.com'; 'HSNovikoff@WLRK.com'; 'PVizcarondo@WLRK.com'; 'lawrence.n.chanen@chase.com'; 'MKGrovak@wlrk.com'; Erica Taggart; 'mmoscato@curtis.com'; 'pbehmke@curtis.com'  
**Subject:** RE: De-designation of documents and testimony

Ok. Let's plan to talk at 7pm Eastern on Thursday. We can use the following dial-in:

Toll-free: 866-939-8416  
Participant Passcode: 825583

Thanks,  
Tyler

**Tyler Whitmer**  
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**From:** KWLIn@wlrk.com [mailto:[KWLIn@wlrk.com](mailto:KWLIn@wlrk.com)]  
**Sent:** Tuesday, August 23, 2011 4:56 PM  
**To:** Tyler Whitmer  
**Cc:** IBoczko@WLRK.com; SCSzczerban@wlrk.com; HSNovikoff@WLRK.com; PVizcarondo@WLRK.com; lawrence.n.chanen@chase.com; MKGrovak@wlrk.com; Erica Taggart; mmoscato@curtis.com; pbbehmke@curtis.com  
**Subject:** RE: De-designation of documents and testimony

Tyler,

We are unable to meet and confer tomorrow at 10am/1pm. Would Thursday at 7 p.m. EDT (or anytime thereafter) work for you?

Thanks,  
Karen

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**From:** Tyler Whitmer [mailto:[tylerwhitmer@quinnmanuel.com](mailto:tylerwhitmer@quinnmanuel.com)]  
**Sent:** Tuesday, August 23, 2011 2:06 PM  
**To:** Lin, Karen W.  
**Cc:** Boczko, Ian; Szczerban, S. Christopher; Taggart, Erica P. (Quinn Emanuel Urquhart & Sullivan LLP); Moscato, Michael J. (Curtis, Mallet-Prevost, Colt & Mosle LLP); Behmke, Peter J. (Curtis, Mallet-Prevost, Colt & Mosle LLP)  
**Subject:** RE: De-designation of documents and testimony

Karen,

Now that a few more days have gone by, have you had a chance to come to a decision on the de-designation issue? We would prefer to meet and confer toward resolution before we file. Is there a time that works for you? To get the ball rolling, we propose tomorrow (Wednesday) at 10am/1pm.

Generally, we do not believe that the designated documents warrant filing under seal. They concern events almost 3 years ago, and the information does not contain any ongoing sensitive information. But we would be willing to consider minor redactions to alleviate any concerns JPMorgan may have. For example, we would be willing to redact names of any non-JPMorgan counterparties that appear in the documents if that would allow us to file the rest publicly.

Please let us know if tomorrow at 10am/1pm works or propose another time tomorrow that does.

Thanks,  
Tyler

**Tyler Whitmer**  
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**From:** KWLIN@wlrk.com [mailto:[KWLIN@wlrk.com](mailto:KWLIN@wlrk.com)]  
**Sent:** Friday, August 19, 2011 2:56 PM  
**To:** Tyler Whitmer  
**Cc:** IBoczko@WLRK.com; SCSzczerban@wlrk.com; Erica Taggart; mmoscato@curtis.com; pbehmke@curtis.com  
**Subject:** RE: De-designation of documents and testimony

Tyler,

Please see the attached response to your letter.

Thanks,  
Karen

**From:** Tyler Whitmer <[tylerwhitmer@quinnmanuel.com](mailto:tylerwhitmer@quinnmanuel.com)>  
**Date:** August 18, 2011 10:21:51 AM EDT  
**To:** "[SCS@wlrk.com](mailto:SCS@wlrk.com)" <[SCS@wlrk.com](mailto:SCS@wlrk.com)>  
**Cc:** Erica Taggart <[ericataggart@quinnmanuel.com](mailto:ericataggart@quinnmanuel.com)>, "Moscato, Michael J." <[mmoscato@curtis.com](mailto:mmoscato@curtis.com)>, "Behmke, Peter J." <[pbehmke@curtis.com](mailto:pbehmke@curtis.com)>, "[IBoczko@WLRK.com](mailto:IBoczko@WLRK.com)" <[IBoczko@WLRK.com](mailto:IBoczko@WLRK.com)>  
**Subject: De-designation of documents and testimony**

Chris,

Please see the attached letter.

Thanks,  
Tyler

**Tyler Whitmer**  
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Thank you in advance for your cooperation and assistance.

[www.wlrk.com](http://www.wlrk.com)

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